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OPLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Jean L. Westby et al.

Group Art Unit: 2116

Appln. No.: 10/714,478

Examiner: Thuan N. Du

Filed : November 13, 2003

FAX RECEIVED

For : METHOD AND APPARATUS TO REDUCE
SERIAL COMMUNICATIONS PATH
CONNECTION OVERHEAD

MAR 08 2007

CENTRAL REEXAMINATION UNIT

Docket No.: S104.12-0060

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

571-273-7719

Sir:

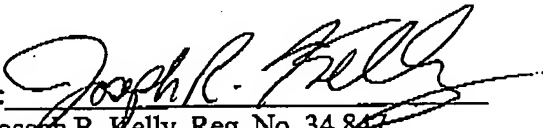
I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Response to Order to Show Cause Why The Office Should Not Terminate The Present Reissue Proceeding.
2. Copy of the Petition to Accept Unintentional Delay Payment of Maintenance Fee in an Expired Patent.

WESTMAN, CHAMPLIN & KELLY, P.A.

Date: 3-8-7

By:


Joseph R. Kelly, Reg. No. 34,847
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone:(612)334-3222 Fax:(612)334-3312

JRK:slg

8 pages

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Westby et al.

Appln. No.: 10/714,478

Filed : November 13, 2003

For : METHOD AND APPARATUS TO
REDUCE SERIAL COMMUNICATIONS
PATH CONNECTION OVERHEAD

Docket No.: S104.12-0060/STL 8646

Group Art Unit: 2116

Examiner: Thuan N. Du

RESPONSE TO ORDER TO SHOW CAUSE WHY THE OFFICE SHOULD
NOT TERMINATE THE PRESENT REISSUE PROCEEDINGVIA FACSIMILE
571-273-7719Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This is in response to the Order to Show Cause in the above-identified matter issued on February 2, 2007, and in response to an exchange of telephone messages with Mr. Fred A. Silverberg, Sr. Legal Advisory, Office of Patent Legal Administration.

The Order to Show Cause in the present re-issue proceeding pointed out that the 3.5 year maintenance fee was not paid on the underlying US Patent 6,317,800 (the '800 patent). This resulted in the '800 patent expiring after midnight on November 13, 2005.

The undersigned, Counsel for the Patentee of the '800 patent, immediately contacted in-house counsel for the Patentee.

Patentee is responsible for paying maintenance fees on its patents, and the undersigned (outside counsel) does not pay maintenance fees for Patentee. The undersigned inquired whether Patentee had decided not to pay the 3.5 year maintenance fee on the '800 patent, or whether the maintenance fee was not paid, unintentionally. Patentee has now responded to undersigned that the 3.5 year maintenance fee was unintentionally not paid for the

-2-

'800 patent and has asked the undersigned to petition the Office to accept unintentionally delayed payment of that maintenance fee. The undersigned has filed that petition for the Patentee, and a copy of the Petition filed for the '800 patent is enclosed for your reference.

In a telephone message from Mr. Silverberg on March 8, 2007, he indicated that the Office of Patent Legal Administration (OPLA) still retained jurisdiction for the present reissue proceeding 10/714,478, and requested that the undersigned file a response to the Order to Show Cause immediately. Patentee (reissue applicant) thus respectfully submits that the present reissue proceeding should not be terminated because the original '800 patent expired unintentionally, and a petition to accept the unintentionally delayed payment has already been filed.

Reinstitution of the normal reissue proceedings is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Joseph R. Kelly, Reg. No. 34,847
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JRK:slg

(Rel.106-4/06 Pub.605)

FORM 21-9.3

21-51

PTO/SB/88 (10-05)

Approved for use through 05/31/2006. OMB 0651-0016

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

FAX RECEIVED

MAR 08 2007

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,317,800 Application Number 09/193,482
Issue Date November 13, 2001 Filing Date November 17, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

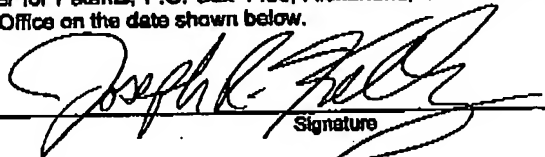
☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

3-8-7
Date


Signature

Joseph R. Kelly

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/88 (10-05)

Approved for use through 06/31/2008. OMB 0651-0016
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 900.00	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 900.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2540.00☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 23-1123. A duplicate copy of this authorization is attached.

[Page 2 of 3]

(Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent
(37 C.F.R. 1.378(c)) (PTO/SB/88) [21-9.3]—page 2 of 4)

(Re. 106-406 Pub. 605)

FORM 21-93

21-53

PTO/SB/68 (10-05)

Approved for use through 06/31/2006. OMB 0651-0018

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

☒Credit to Deposit Account No. 23-1123

OR

☐

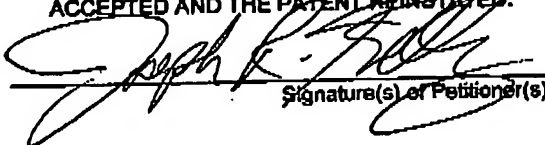
Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE
ACCEPTED AND THE PATENT REINSTATED.
Signature(s) of Petitioner(s)3-8-7
DateJoseph R. Kelly
Typed or printed name(s)34,847
Registration Number, if applicable612-330-0482

Telephone Number

Westman, Champlin & Kelly, P.A.

Address

900 Second Avenue South, Suite 1400, Minneapolis, MN 55402

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

☒

Maintenance Fee payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐

(Rel. 106-406 Pub. 605)

FORM 21-10

21-55

PTO/SB/45 (12-04)

Approved for use through 06/30/2006. OMB 0661-0016
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM

Address to:
U.S. Patent and Trademark Office
P.O. Box 371611
Pittsburgh, PA 15250-1611I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611" on 3-8-07

Signature

Typed or printed name Joseph R. Kelly

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

- ☒ A check for the amount of \$ 2540.00 for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
- ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. A duplicative copy of this form is enclosed.
- ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 23-1123. A duplicative copy of this form is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.

* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number* (e.g., 06/555,555)	Payment Year		
					Column 5	3.5 yrs	7.5 yrs
	Column 1	Column 2	Column 3	Column 4			
1	6,317,800	900.00	1640.00	09/193,482	X		
2							
3							
4							
5							
Subtotals: Columns 2 & 3		900.00	1640.00				
Total Payment		\$2540.00		<input type="checkbox"/> additional sheets attached for listing additional patents.			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, **

Customer's Signature: Joseph R. KellyCustomer's Name: Joseph R. KellyTelephone: 612-330-0482Registration Number, if applicable: 34,847Fax: 612-334-3312

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 0.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

(Rel.102-3/05 Pub.605)

FORM 21-11

21-59

PTO/SB/47 (09-04)

Approved for use through 05/31/2006. OMB 0651-0016

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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"FEE ADDRESS" INDICATION FORM

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INSTRUCTIONS: Only an address associated with a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be specified when the patentee would like correspondence related to maintenance fees to be mailed to a different address than the correspondence address for the application. If there is a Customer Number already associated with the fee address for the patent or allowed application, check the first box below and provide the Customer Number in the space provided. If there is no Customer Number associated with the fee address for the patent or allowed application, you must check the second box below and attach a Request for Customer Number form (PTO/SB/125). For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☒ Customer Number: 27365

OR

☐ Request for Customer Number (PTO/SB/125) attached hereto in the following listed application(s) for which the Issue Fee has been paid for patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER

Completed by (check one):

☐ Applicant/Inventor☒ Attorney or Agent of record 34,847
(Reg. No.)☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☐ Assignee recorded at Reel _____ Frame _____


Signature

Joseph R. Kelly
Typed or printed name

612-330-0482
Requester's telephone number

3-8-7
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ * Total of 3 forms are submitted.

This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.